

JOHN R. ANDERSON

IBLA 74-238

Decided May 6, 1974

Appeal from a decision of the BLM Utah State Office rejecting acquired lands oil and gas lease offer U-25410.

Affirmed as modified.

Oil and Gas Leases: Acquired Lands Leases--Oil and Gas Leases:

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An oil and gas lease offer which is not accompanied by a statement showing the extent of the offeror's ownership of the operating rights to the fractional mineral interest not owned by the United States is properly rejected.

APPEARANCES: John R. Anderson, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

John R. Anderson appeals from a decision of the Utah State Office, Bureau of Land Management, dated February 22, 1974, rejecting his acquired lands oil and gas lease offer U-25410. The action by the State Office was predicated on the fact that appellant had not provided corroborative information that the United States was the owner of a 50 percent mineral interest in the lands embraced by the lease offer.

The factual background can be briefly stated. On October 4, 1973, appellant filed oil and gas lease offer U-24155 covering the same lands involved in the instant case. On October 26, 1973, the State Office informed appellant that there was insufficient evidence upon which the Regional Solicitor could prepare a title opinion, and gave appellant 30 days to submit a pencil abstract from the office of the county recorder. Pursuant to requests for extensions of time appellant was given to January 15, 1974, to file the requested information. Since no further response was forthcoming, offer U-24155 was rejected and the case closed on February 6, 1974.

On February 4, 1974, appellant submitted lease offer U-25410 which is the subject of the appeal. This offer was rejected on February 22, 1974, for failure to provide the required title evidence. The State Office held that "[t]his office must, therefore, take the position that Mr. Anderson's priority for the land terminated January 15, 1974. Otherwise, offerors could extend filings indefinitely and retain priorities but avoid rental payment or compliance with other requirements of the regulations."

It is not necessary to examine the validity of the State Office's rationale as we feel that the offer of February 4, 1974, was properly rejected for a different reason. We advert to 43 CFR 3130.3-1, which states, inter alia, that: "[t]he offer must be accompanied by a statement showing the extent of the offeror's ownership of the operating rights to the fractional mineral interest not owned by the United States in each tract covered by the offer to lease." No such statement was submitted with the lease offer. Absent a statement which could reasonably be construed as a declaration referring to appellant's operating rights in the non-federal mineral interest the offer must be rejected. Arthur E. Meinhart, 11 IBLA 139, 80 I.D. 395 (1973).

Inasmuch as the question of federal title to the lands in issue is not properly before us, we decline to express any conclusions on that issue.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed as modified.

Douglas E. Henriques
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

